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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000470

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TAGS: PGOV PHUM PREL OSCE TU

SUBJECT: TURKEY: HAK-PAR POLITICIANS CONVICTED FOR USING KURDISH LANGUAGE

REF: A. ADANA 28

1B. 06 ANKARA 6521

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Classified By: A/Political Counselor Kelly Degnan for reasons 1.4(b),(d)
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1.(C) Summary: An Ankara court convicted 13 officials of the pro-Kurdish Hak-Par Party under the "Political Parties Law" for speaking Kurdish at their 2004 party convention. The judge found the speech at issue to be non-violent but concluded that he was bound by the law to convict. Sentences ranged from a fine of approximately 1,000 USD to one year in prison. Hak-Par President Sevket Bucak told us the defendants would appeal the decision, which contravenes the European Convention on Human Rights. Bucak attributed a recent rise in similar cases to an increasing lack of tolerance from "state forces" within the military, judiciary, and main opposition Republican People's Party (CHP). While Bucak expected several Kurdish parties to find common ground in the lead up to parliamentary elections in the fall, he feared a backlash from ultranationalist groups. The Hak-Par ruling is an indication that pressure on Kurdish politicians and activists from a variety of sources, including the judiciary, may increase as elections approach. Rulings in other Kurdish language cases in the coming months are likely to attract international attention and increase resistance to change among some of the more nationalistic segments of Turkish society. End summary.

Kurdish Politicians Convicted for Speaking Kurdish

2.(U) On February 14, an Ankara court sentenced 13 officials of the pro-Kurdish Hak-Par Party for violating the Political Parties Law for delivering speeches in Kurdish at a 2004 party convention and distributing Kurdish-language invitations to the convention. The court sentenced five defendants to a one-year prison term, but reduced the sentence of one of those five to a 29,200 lira fine (USD 20,619) due to his advanced age. The court sentenced the remaining eight defendants to six months in prison but reduced one to a 1980 lira (USD 1,398) fine. The court also stated it would instruct the Chief Prosecutor to begin a case

to close down the party if the Court of Cassation approved the verdict.

Party to Appeal Verdict That "Defies Common Sense"

3.(C) Hak-Par President Sevket Bucak told us that the court will take the case to the European Court of Human Rights (ECHR).

4.(C) Bucak added that the court's reasoning contradicts common sense. In its verdict, the court stated that the speeches at issue "did not encourage violence and revolt" because they merely stated a desire to solve the Kurdish problem, improve Kurdish cultural rights, and remove the ten percent election threshold. The judge reasoned, nevertheless, that he had to apply the clear language of the Political Parties law, which forbids broadcasting or speaking in a language other than Turkish during political party meetings. The judge added that the defendants had also violated the law because it failed to hang the Turkish flag and Ataturk's picture at the convention, and failed to sing the Turkish National Anthem.

Pressure on Kurdish Politicians Mounting

5.(C) Bucak told us that "state forces" within the military,

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judiciary, and the CHP were stepping up pressure on Kurdish politicians. He cited the case of Democratic Society Party (DTP) co-chairs Ahmet Turk and Ayse Tugluk, who had recently been sentenced to 1.5 years imprisonment for speaking in Kurdish on International Women's Day in March, 2006 (ref A). He attributed this to the state's increasing lack of tolerance for voices encouraging peaceful, democratic solutions to conflicts in southeastern Turkey. Bucak excluded the ruling Justice and Development Party (AKP) from these "state forces." AKP had demonstrated a desire to pursue democratic political solutions upon taking office, but had "lost political courage" under pressure from traditional state elites.

Kurdish Parties To Attempt Reconciliation

6.(C) Bucak said several Kurdish parties are attempting to put aside past differences (see ref B) and find common ground in the lead up to parliamentary elections this fall. While Hak-Par has good relations with Serefettin Elci's newly established Participatory Democracy Party (KADEP), it has had a rocky relationship with the main Kurdish DTP Party, which it believes too close to the outlawed PKK terrorist organization. Bucak hoped that the DTP would decide in its February 28 extraordinary convention to have its candidates run as independents in order to avoid the 10 percent parliamentary threshold. This move would signal DTP's distancing itself from incarcerated PKK leader Ocalan, Bucak said. (Note: At its convention, the DTP voted to run its candidates as independents.) Bucak favored increased unity but worried that ultranationalist groups in the southeast would react violently if they perceived that Kurds' political power was increasing.

7.(C) Comment: The conviction of 13 Hak-Par members is another sign, along with the recent DTP sentencing, that pressure on Kurdish politicians and activists is ratcheting up as parliamentary elections approach. The judge's refusal to refer the issue to the Constitutional Court also highlights the Turkish judiciary's resistance to allowing a more permissive atmosphere for free speech. As the Hak-Par and other pending Kurdish language cases make their way to

the ECHR, they will attract international attention that is likely to cause some of the more nationalistic segments of Turkish society to dig in their heels against further change.
End comment.

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